

REMARKS

Claim 1-8, 10-11, and 15-20 have been canceled herein without prejudice. Claims 9 and 12-14 have been amended herein. Claims 9 and 12-14 are now pending in the Application. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested. Support for the amendments is found in the Specification and original claims.

Claim 9 has been amended use roman numerals in the manner suggested in the Action. In addition claim 9 has been amended to further clarify that the recited mammalian NSO cell is adapted for growth in a **“growth medium that is protein-free, serum-free and free from further supplements”**

Claims 13 and 14 have been amended to replace “codifies” with --codes--.

Claim Rejections

Claims 9, 12, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Keen, et al. (Cytotechnology, 1996) (“Keen”).

Claims 9 and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Keen in view of Crombet-Ramos, et al. (Int. J. Cancer, 2002, published online 27 August 2002).

These rejections are respectfully traversed.

Claim 9

Applicants respectfully submit that the cell line disclosed by Keen has different metabolic requirements from the cell line claimed in the amended claim 9. The claimed cell line is adapted for growth in growth medium that is protein-free, serum-free and free from further supplements. PFHM-II from Gibco is an example of such a growth medium disclosed in the specification (e.g. page 8, lines 5-6).

The cell line disclosed by Keen on the other hand requires supplementation with insulin, cholesterol and/or lipids. The presently claimed cell line grows in a protein and serum free medium completely without supplements.

Thus Keen does not disclose each and every element, feature, and relationship of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Hence, Applicants' claim 9 patentably distinguishes over Keen. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection over Keen of claim 9 as well as claims 12-13 which depend therefrom, should be withdrawn.

In addition Applicants respectfully submit that Crombet-Ramos also does not disclose or suggest these recited features that are missing from Keen. Further Applicants respectfully submit that one of ordinary skill in the art at the time of the invention would not regard claim 9 as obvious in view of the applied art. The applied art does not disclose or suggest any apparent reason to modify the applied art to correspond to the subject matter recited in claim 9. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections of claims 9 and 12-14 should be withdrawn.

Conclusion

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any apparent reason for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,

/Christopher L. Parmelee/

Christopher L. Parmelee Reg. No. 42,980
231 South Broadway
Medina, Ohio 44256
(330) 721-0000